

21 C.J.S. Courts § 74

Corpus Juris Secundum | May 2023 Update

Courts

M. Elaine Buccieri, J.D.; James Buchwalter, J.D.; Amy G. Gore, J.D., of the staff of the National Legal Research Group, Inc; and Lonnie E. Griffith, Jr., J.D.

II. Jurisdiction of Courts

E. Mode of Acquiring Jurisdiction

2. Jurisdiction by Party's Consent, Agreement, Waiver, or Estoppel

§ 74. Territorial or geographical jurisdiction subject to parties' consent or waiver

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, [Courts](#)  29

The territorial or geographic limitations of a state court's jurisdiction may be subject to consent or waiver, as a matter apart from subject matter jurisdiction.

The territorial or geographic limitations of a state court's jurisdiction¹ is, by some authority, not an aspect of the court's subject matter jurisdiction and is subject to waiver,² unlike subject matter jurisdiction which is not subject to consent or waiver.³ There is, however, contrary authority that an exercise of extraterritorial jurisdiction, while not a component of subject matter jurisdiction, implicates the state's sovereignty and cannot be waived by conduct or consent.⁴

Westlaw. © 2023 Thomson Reuters. No Claim to Orig. U.S. Govt. Works.

Footnotes

- 1 § 79.
- 2 D.C.—Upson v. Wallace, 3 A.3d 1148 (D.C. 2010).

Fla.—Klem v. Espejo-Norton, 983 So. 2d 1235 (Fla. 3d DCA 2008).

Va.—Porter v. Com., 276 Va. 203, 661 S.E.2d 415 (2008).
- 3 § 71.
- 4 S.C.—State v. Dudley, 364 S.C. 578, 614 S.E.2d 623 (2005).

End of Document

© 2023 Thomson Reuters. No claim to original U.S.
Government Works.